

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:  
HUI-JUNG WU, ET AL.

Docket: 30-4731 (4780) DIV-1

Serial Number: 09/841,453

Group Art Unit: 2829

Filed: April 24, 2001

Examiner: Asok K. Sarkar

For: USE OF MULTIFUNCTIONAL SI-BASED OLIGOMER/POLYMER FOR THE  
SURFACE MODIFICATION OF NANOPOROUS SILICA FILMS

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TO: Assistant Commissioner for Patents  
Washington, D.C. 20231

FAX NO.: (703) 308-7722

FROM: Richard S. Roberts  
Reg. No. 27941  
P.O. Box 484  
Princeton, New Jersey 08542  
(609) 921-3500

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RESPONSE TO RESTRICTION/ELECTION REQUIREMENTS

Commissioner for Patents  
Washington, DC 20231

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Sir:

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In response to the Office Action mailed May 20, 2002 applicant makes the following  
election in response to the restriction and election requirements.

REMARKS

The Examiner has subjected this application to restriction under 35 U.S.C. 121. The Examiner has formed two groups of claims, the Group I for claims 2-28 drawn to a dielectric film, and Group II for claim 29, drawn to a polymeric material. The Examiner has asserted that these groups of claims represent distinct inventions and may properly be restricted. Applicants hereby provisionally elect claim Group I directed to claims 2-28 for examination. However, the restriction requirement is traversed. It should be noted, the Commissioner may statutorily require the election of inventions "If two or more independent and distinct inventions are claimed in one application." In the instant case the Examiner is alleging that the inventions of groups one and two are distinct, although absolutely no showing of such distinctness has been made.

The Examiner's attention is directed to 37 C.F.R. 1.141(b) where allegedly different classes of inventions may be included and examined in a single application provided they